

RECEIVED
CENTRAL FAX CENTER

JAN 27 2010

C053-03/02 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

FEB 03 2010

OFFICE OF PETITIONS

Examiner : Frank Choi
Group : 1616
Applicants : Frederick B. Oleson, Jr. et al.
Patent No. : 6,852,689
Issue Date : February 8, 2005
For : METHODS FOR ADMINISTRATION OF ANTIBIOTICS

ATTENTION: MAINTENANCE FEE DEPARTMENT
COMMISSIONER FOR PATENTS
Washington, DC 20231


Communication under 37 C.F.R. 1.28(c)

The 3 ½ year maintenance fee in the above-identified patent was paid in the amount of \$465.00, i.e. at the small entity rate, on August 8, 2008. This payment was within the window period for the payment of the maintenance fee. The current fee for a large entity 3 ½ year maintenance fee is \$980.00. Applicants wish to pay the difference between the current large entity fee and the small entity fee actually paid. The amount due is \$515.00.

The Commissioner is authorized to deduct the amount due and any deficient amount to Deposit Account No. 50-1986.

Respectfully submitted,

Date: January 27, 2010
Cubist Pharmaceuticals, Inc.
65 Hayden Avenue
Lexington, Massachusetts 02421
Tel.: (781) 860-8660
Fax: (781) 860-1407



William D. DeVaul
Reg. No. 42,483

02/01/2010 MBANGURA 00000120 501986 6852689

01 FC:1539 515.00 DA

CUBIST
PHARMACEUTICARECEIVED
CENTRALFAX CENTER
JAN 27 2010

RECEIVED

FEB 03 2010

OFFICE OF PETITIONS

Fax

To: MAINTENANCE FEE DEPARTMENT From: William D. DeVaul

Tel: 781 860 8660

Fax: 781 860 1407

Fax: 571-273-8300 Pages: 4 (including cover sheet)

Phone: Date: January 27, 2010

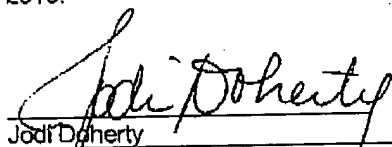
Re: US Patent No. 6,852,689
(C053-03/02 US)

cc:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

I hereby certify that this correspondence (Transmittal Form, Fee Transmittal Sheet, Communication Under 37 C.F.R. 1.28(c)) is being facsimile transmitted to Mail Stop Maintenance Fee Department, Commissioner for Patents, Washington, D.C. 20231 facsimile number 571-273-8300 on January 27, 2010.


Jodi DohertyJanuary 27, 2010
Signature Date

THIS FAX IS FOR THE SOLE USE OF THE INTENDED RECIPIENT(S) AND CONTAINS CONFIDENTIAL AND PRIVILEGED INFORMATION. ITS CONTENTS SHOULD NOT BE DISCLOSED NOR SHOULD IT BE GIVEN OR COPIED TO ANYONE. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE CONTACT THE SENDER AND DESTROY ALL COPIES OF THE ORIGINAL MESSAGE. THANK YOU.

C053-03 02 US 20100127 Maintenance Fee Fax.doc

65 Hayden Avenue, Lexington, MA 02421

P. 781.860.8660

F. 781.860.1407 patents@cubist.com

Doc Code: TRAN.LET

Document Description: Transmittal Letter


RECEIVED
CENTRAL FAX CENTER
JAN 27 2010

PTO/SB/21 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/082,544	RECEIVED
	Filing Date	February 20, 2002	
	First Named Inventor	Frederick B. Olesen, Jr., et al.	FEB 03 2010
	Art Unit	1818	
	Examiner Name	Fmnk Choi	OFFICE OF PETITIONS
Attorney Docket Number	C053-03/02 US		
Total Number of Pages in This Submission			

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Communication Under 37 C.F.R. 1.28(c)
Remarks U.S. Patent No. 6,852,689		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Cubist Pharmaceuticals, Inc.	
Signature		
Printed name	William D. DeVaul	
Date	January 27, 2010	Reg. No. 42,483

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CENTRAL FAX CENTER

JAN 27 2010

PTO/SB/17 (10-06)

Approved for use through 08/30/2010. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2009☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 515.00

Complete if Known

Application Number	10/082,544
Filing Date	February 20, 2002
First Named Inventor	Frederick B. Oleson, Jr., et al
Examiner Name	Frank Choi
Art Unit	1616
Attorney Docket No.	C053-03/02 US

RECEIVED

FEB 03 2010

OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
- ☒ Deposit Account Deposit Account Number: 50-1986 Deposit Account Name: Cubist Pharmaceuticals
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
52	26
220	110
390	195

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
--------------	--------------	----------	---------------

- 20 or HP = x =

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
---------------	--------------	----------	---------------

- 3 or HP = x =

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
--------------	--------------	--	----------	---------------

- 100 = / 50 = (round up to a whole number) x =

4. OTHER FEE(S)

Non-English Specification. \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Adjustment to large entity fee

515.00

SUBMITTED BY

Signature	<u>William D. DeVaul</u>	Registration No. (Attorney/Agent)	42,483	Telephone	781-860-8660
Name (Print/Type)	William D. DeVaul	Date	January 27, 2010		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CENTRAL FAX RECEIPTS LOG (E00C61)

TC

TYPE OF DOCUMENTS: STATUS 150 MAINTENANCE FEE TIME MAIL OUT: 3:00 P.M

TECH CENTER: 1600 (IFW) ATTN TO: DOUGLAS LINDSEY TO BULDG/ROOM: 2051 JAMIESON AVENUE, SUITE 300 ALEX VA 22314

APPLICATION NO	ART UNIT	SYSTEM RECEIPT DATE	DATE PRINTED OUT	OFFICIAL/UNOFFICIAL	COMPLETE INCOMPLETE	A/P	PAGES	NOTES
1 10082544	1616	1/27/2010	1/28/2010	O	C		4	
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

LEGEND: O = OFFICIAL U = UNOFFICIAL C = COMPLETE I = INCOMPLETE